

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 Case 1:10-cv-06005-RWS

5 - - - - -x  
6 ADRIAN SCHOOLCRAFT,

7 Plaintiff,

8 -against-

9 THE CITY OF NEW YORK, DEPUTY CHIEF  
MICHAEL MARINO, Tax Id. 873220,  
10 Individually and in his Official  
Capacity, ASSISTANT CHIEF Patrol  
11 Borough Brooklyn NORTH GERALD NELSON,  
Tax Id. 912370, Individually and in his  
12 official Capacity, DEPUTY INSPECTOR  
STEVEN MAURIELLO, Tax Id. 895117,  
13 individually and in his Official  
Capacity, CAPTAIN THEODORE LAUTERBORN,  
14 Tax Id. 897840, Individually and in his  
Official Capacity, LIEUTENANT WILLIAM  
15 GOUGH, Tax Id. 919124, Individually and  
in his Official Capacity, SGT.  
16 FREDERICK SAWYER, Shield No. 2576,  
Individually and in his Official  
17 Capacity, SERGEANT KURT DUNCAN, Shield  
No. 2483, Individually and in his  
18 Official Capacity, LIEUTENANT  
CHRISTOPHER BROSCART, Tax Id. 915354,  
19 Individually and in his Official  
Capacity, LIEUTENANT TIMOTHY CAUGHEY,  
20 Tax Id. 885374, Individually and in his  
Official Capacity, SERGEANT SHANTEL  
21 JAMES, Shield No. 3004, Individually  
and in her Official Capacity,  
22 LIEUTENANT THOMAS HANLEY, Tax Id.  
879761, Individually and in his  
23 Official Capacity, CAPTAIN TIMOTHY  
TRAINER, Tax Id. 899922, Individually  
24 and in his Official Capacity,  
25 (Caption continued on following page.)



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APPEARANCES:

LAW OFFICES OF NATHANIEL B. SMITH  
Attorneys for Plaintiff  
111 Broadway  
New York, New York 10006

BY: NATHANIEL B. SMITH, ESQ.

NYC LAW DEPARTMENT  
CORPORATION COUNSEL  
Attorneys for Chief Michael Marino  
and All City Defendants  
100 Church Street  
New York, New York 10007

BY: SUZANNA PUBLICKER METTHAM, ESQ.

CALLAN KOSTER BRADY & BRENNAN, LLP  
Attorneys for Defendant Lilian  
Aldana-Bernier  
One Whitehall Street  
New York, New York 10004

BY: MEREDITH B. BORG, ESQ.

(Continued on following page.)

1  
2 APPEARANCES: (Continued)  
3

4 SCOPPETTA SEIFF KRETZ & ABERCROMBIE  
Attorneys for Steven Mauriello  
444 Madison Avenue  
5 New York, New York 10022  
6 BY: WALTER A. KRETZ, ESQ.  
7  
8

9 MARTIN CLEARWATER & BELL  
Attorneys for Jamaica Hospital  
10 Medical Center  
220 East 42nd Street  
11 New York, New York 10017  
12 BY: BRIAN OSTERMAN, ESQ.  
13  
14

15 IVONE DEVINE & JENSEN, LLP  
Attorneys for Dr. Isak Isakov  
16 2001 Marcus Avenue  
Lake Success, New York 11042  
17  
18 BY: BRIAN E. LEE, ESQ.  
19  
20

## 21 A L S O P R E S E N T :

22 MAGDALENA BAUZA  
23 JOHN LENIR  
24  
25

## STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed before any Notary Public with the same force and effect as if signed and sworn to before the Court.

\* \* \*

Page 6

1 M. Marino

2 MR. SMITH: Okay.

3 So we're on the record. It's  
4 10:20.

5 We're beginning the  
6 deposition of Chief Michael Marino.  
7 It's being videotaped, and the  
8 court reporter is taking down the  
9 testimony. And it's being  
10 videotaped at 111 Broadway, Suite  
11 Number 1305, October 8, 2013.

12 M I C H A E L M A R I N O,  
13 the Witness herein, having first  
14 been duly sworn by the Notary  
15 Public, was examined and testified  
16 as follows:

17 EXAMINATION BY

18 MR. SMITH:

19 Q. Good morning, chief.

20 How are you?

21 A. Good morning, counselor.

22 I'm fine.

23 Q. I know from reviewing some of  
24 the documents that you have some  
25 familiarity with this process.

Page 7

1 M. Marino

2 I just want to make sure that  
3 there's some ground rules that we talk  
4 about and are understood as we go  
5 forward. Okay.

6 A. Yes.

7 Q. The first thing is, and as  
8 I'm sure aware of it, it's important  
9 for you to let me ask my whole question  
10 and then think about what the answer is  
11 and then answer the question because  
12 the court reporter is taking down  
13 everything I say and everything that  
14 you say.

15 And if we talk on top of each  
16 other, it makes it hard for the court  
17 reporter to take down the whole  
18 question and the whole answer.

19 Okay?

20 A. Yes, sir.

21 Q. The other thing I would ask  
22 is if there is anything about my  
23 questions that are unclear, please let  
24 me know.

25 Okay?

Page 8

1 M. Marino

2 A. Yes, sir.

3 Q. You're here under oath. And  
4 if you answer my questions, the record  
5 will assume and I will assume that you  
6 understand my question. And so I just  
7 want to remind you that if there is  
8 anything unclear or vague, please let  
9 me know and I will try to rephrase it.

10 Okay?

11 A. Yes, sir.

12 Q. You understand that you are a  
13 defendant in a lawsuit; is that  
14 correct?

15 A. I do.

16 Q. And you understand that that  
17 lawsuit is brought by Adrian  
18 Schoolcraft against you and various  
19 other members of the New York City  
20 Police Department, right?

21 A. I do.

22 Q. And are you represented by  
23 counsel here today?

24 A. I am.

25 Q. Who?



1 M. Marino

2 would just note that we have been  
3 on the record for at this point for  
4 almost exactly six hours and  
5 40 minutes at this point.

6 MR. LEE: Do you mind if I  
7 ask just a couple of questions of  
8 the witness.

9 MR. SMITH: I'm not agreeing  
10 with that characterization of the  
11 number of hours on the record.

12 Go ahead.

13 You can ask whatever you  
14 want.

15 EXAMINATION BY

16 MR. LEE:

17 Q. Chief, did you ever go to  
18 Jamaica Hospital on the evening of  
19 October 31, 2009?

20 A. Absolutely not.

21 Q. Did you ever speak with any  
22 hospital personnel on October 31, 2009?

23 A. Absolutely not.

24 Q. Did you ever speak to any  
25 hospital personnel in the week after

Page 411

1 M. Marino

2 October 31, 2009?

3 A. Absolutely not.

4 Q. Did you ever speak to any  
5 doctors who treated Officer Schoolcraft  
6 at Jamaica Hospital during the week  
7 after October 31, 2009?

8 A. Absolutely not.

9 Q. Did you directed any EMS  
10 personnel, paramedics or NYPD employees  
11 to say anything to the people at  
12 Jamaica Hospital concerning  
13 Schoolcraft's condition?

14 A. Absolutely not.

15 [Continued on the next page  
16 to allow for signature line and  
17 jurat.]

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LAUTERBORN

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL  
MARINO, Tax ID. 873220, Individually and in  
his Official Capacity, ASSISTANT CHIEF  
PATROL BOROUGH BROOKLYN NORTH GERALD  
NELSON, Tax Id. 912370, Individually and in  
his Official Capacity, DEPUTY INSPECTOR  
STEVEN MAURIELLO, Tax Id. 895117,  
Individually and in his Official Capacity,  
CAPTAIN THEODORE LAUTERBORN, Tax Id.  
897840, Individually and in his Official  
Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.  
919124, Individually and in his Official  
Capacity, ST. FREDERICK SAWYER, Shield No.  
2567, Individually and in his Official  
Capacity, SERGEANT KURT DUNCAN Shield No.  
2583, Individually and in his Official  
Capacity, LIEUTENANT CHRISTOPHER BROSCART,

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1  
2 Tax Id. 915354, Individually and in his  
3 Official Capacity, LIEUTENANT TIMOTHY  
4 CAUGHEY, Tax Id. 885374, Individually and  
5 in his Official Capacity, SERGEANT SHANTEL  
6 JAMES, Shield No. 3004, Individually and in  
7 his Official Capacity, and P.O.'s "JOHN DOE"  
8 #1-50, Individually and in their Official  
9 Capacity, (the name John Doe being  
10 fictitious, as the true names are presently  
11 unknown) (collectively referred to as "NYPD  
12 Defendants"), JAMAICA HOSPITAL MEDICAL  
13 CENTER, DR. ISAK ISAKOV, Individually and  
14 in his Official Capacity, DR. LILLIAN  
15 ALDANA-BERNIER, Individually and in her  
16 Official Capacity, and JAMAICA HOSPITAL  
17 MEDICAL CENTER EMPLOYEE'S "JOHN DOE" #1-50,  
18 Individually and in their Official  
19 Capacity, (the name John Doe being  
20 fictitious, as the true names are presently  
21 unknown),

22 Defendants.

23 -----

24 111 Broadway  
25 New York, New York

LAUTERBORN

Page 3

1

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November 7, 2013

3

10:10 A.M.

4

5

VIDEO DEPOSITION of THEODORE

6

LAUTERBORN, the Defendant in the

7

above-entitled action, held at the above

8

time and place, taken before Dawn Miller, a

9

Notary Public of the State of New York,

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pursuant to court order and stipulations

11

between Counsel.

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\* \* \*

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LAUTERBORN

Page 4

## 1 A P P E A R A N C E S

2 LAW OFFICES OF NATHANIEL B. SMITH

3 Attorneys for Plaintiff

4 111 Broadway

5 New York, New York 10006

6 BY: NATHANIEL B. SMITH, ESQ.

7

8 ALSO PRESENT: JOHN LENOIR, ESQ.

9 MAGDALENA BAUZA, VIDEOGRAPHER

10

11

12

13

14 MICHAEL CARDOZO, ESQ. - CORPORATION COUNSEL

15 NEW YORK CITY LAW DEPARTMENT

16 Attorneys for Defendants THEODORE

17 LAUTERBORN and ALL CITY DEFENDANTS

18 100 Church Street

19 New York, New York 10007

20 BY: SUZANNA PUBLICKER METTHAM, ASST.

21 CORPORATION COUNSEL

22 RYAN G. SHAFFER, ASST. CORPORATION

23 COUNSEL

24 FILE NO.: 2010-033074/CONTROL # SSS08994

25

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## A P P E A R A N C E S

MARTIN, CLEARWATER &amp; BELL, LLP

Attorneys for Defendant JAMAICA HOSPITAL  
MEDICAL CENTER

220 East 42nd Street

New York, New York 10017

BY: BRIAN OSTERMAN, ESQ.

IVONE, DEVINE &amp; JENSEN, LLP

Attorneys for Defendant DR. ISAK ISAKOV

2001 Marcus Avenue

Lake Success, New York 11042

BY: BRIAN E. LEE, ESQ.

CALLAN, KOSTER, BRADY &amp; BRENNAN, LLP

Attorneys for Defendant LILLIAN

ALDANA-BERNIER

One Whitehall Street

New York, New York 10004

BY: MATTHEW J. KOSTER, ESQ.

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A P P E A R A N C E S

SCOPPETTA, SEIFF, KRETZ & ABERCROMBIE,  
ESQS.

Attorneys for Defendant DEPUTY INSPECTOR  
STEVEN MAURIELLO

444 Madison Avenue

New York, New York 10022

BY: WALTER A. KRETZ, ESQ.

FILE NO.: 2010-033074



## S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED, by and among the Attorneys for the respective parties hereto that filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form of the question, shall be reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed and sworn to before any notary public with the same force and effect as though signed and sworn to before this Court.

T H E O D O R E L A U T E R B O R N ,  
having been first duly sworn by Dawn Miller, a Notary Public within and for the State of New York, was examined and testified as follows:

MR. SMITH: On the record, it is 10:10. It is November 7th 2013.  
We are at my offices at 111 Broadway,

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T. LAUTERBORN

New York, New York, Suite 1306.

We are here today for the deposition of Captain Lauterborn and the deposition is being videotaped as well as we have a court reporter here.

MS. METTHAM: Before we start I'd like to put a couple of stipulations, as we stated about the video recording, the video must be focused on Captain Lauterborn without anyone else on camera, no zooming in or out, no panning. Discussion of Attorneys' Eyes Only are confidential materials and must be separately recorded as the transcript must also be separately bound.

I would also just request a copy of the transcript for Captain Lauterborn to review pursuant to the 30E1 Procedure.

MR. SMITH: All of those decisions are the courts. This is being taken pursuant to order,

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pursuant to the Federal procedure.

Good morning, Captain.

THE WITNESS: Good morning.

MR. SMITH: My name is  
Nathaniel Smith. I represent Adrian  
Schoolcraft in the lawsuit you're one  
of the defendants in. I assume you're  
familiar with the existence of the  
lawsuit, right?

THE WITNESS: Yes.

MR. SMITH: Have you ever been  
deposed before?

THE WITNESS: I believe it was  
one other time.

MR. SMITH: You recognize that  
you're under oath right now, right?

THE WITNESS: Yes.

MR. SMITH: Because of the  
oath, it's important that if you have  
any questions or if anything that I  
say to you or ask is unclear, that you  
let me know, okay?

THE WITNESS: Sure.

MR. SMITH: Because if I ask

1  
2           you a question and you answer the  
3           question, since you're under oath,  
4           it's going to appear that you're  
5           speaking under oath and you're  
6           understanding the question. It's  
7           important, at the threshold, just to  
8           be clear, that if you have any  
9           questions, you let me know, okay?

10                   THE WITNESS: Absolutely.

11 EXAMINATION BY

12 MR. SMITH:

13           Q.       State your name and address for  
14           the record, please.

15           A.       Theodore Lauterborn, One Police  
16           Plaza, New York, New York 10038.

17           Q.       Where are you, currently,  
18           working?

19           A.       I, currently, work in Brooklyn  
20           South Narcotics.

21           Q.       What's your position or title?

22           A.       I'm Captain of the group.

23           Q.       What group?

24           A.       Group Number 1 covers three  
25           commands.

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hours now. Your time is done. If any  
of the other defendants have questions  
--

MR. SMITH: You're terminating  
my examination right now?

MS. METTHAM: Yeah, you went  
for seven hours on the record and --

MR. SMITH: I have got some  
more questions for the witness. I'm  
not done.

MS. METTHAM: Okay.

MR. LEE: I have about five  
questions.

MR. SMITH: Your terminating  
my examination?

MS. METTHAM: You used the  
seven hours that were available to  
you.

MR. SMITH: I will continue my  
examination on another day.

EXAMINATION CONDUCTED BY

MR. LEE:

MR. LEE: Good evening. I  
represent one of the doctors who

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2

treated the plaintiff at Jamaica

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Hospital, Dr. Isakov. I have a few

4

questions for you.

5

Q. At anytime on October 31 or

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thereafter, did you speak to any hospital

7

personnel at anytime?

8

A. No, I did not.

9

Q. Did you speak with any doctors or

10

nurses from Jamaica Hospital at anytime?

11

A. No, I did not.

12

Q. Did you ever instruct any NYPD

13

employees to tell people at Jamaica

14

Hospital anything?

15

MR. LEE: Bad question. Let

16

me withdraw it.

17

Q. Did you ever instruct any NYPD

18

personnel what to say to hospital personnel

19

when they got there?

20

A. No, I did not.

21

Q. Did you ever speak with Dr.

22

Isakov at anytime?

23

A. No, I did not.

24

MR. LEE: Nothing further.

25

MS. METTHAM: I have a few

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ADRIAN SCHOOLCRAFT,

Plaintiff,

Index No.

vs.

10 Civ 6005 (RWS)

CITY OF NEW YORK, et al.,

Defendants.

-----X

VOLUME II

CONTINUED DEPOSITION OF TIMOTHY CAUGHEY

New York, New York

Monday, December 9, 2013

Reported by:

Diane Buchanan

JOB NO. 1779274

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Page 2

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December 9, 2013

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2:47 p.m.

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Continued Deposition of TIMOTHY

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CAUGHEY, held at the Law Offices of

17

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Nathaniel B. Smith, 111 Broadway, New

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York, New York 10006, pursuant to

21

22

Notice, before Diane Buchanan, a Notary

23

24

Public of the State of New York.

25



Page 3

1 A P P E A R A N C E S:

2

3 LAW OFFICE OF NATHANIEL B. SMITH

4 Attorneys for Plaintiff

5 111 Broadway

6 New York, New York 10006

7 BY: NATHANIEL B. SMITH, ESQ.

8 JOHN LENOIR, ESQ.

9

10 MICHAEL CARDOZO

11 Corporation Counsel of the City of New

12 York

13 100 Church Street

14 New York, New York 10007

15 BY: RYAN SHAFFER, ESQ.

16

17 MARTIN CLEARWATER & BELL, LLP

18

19 Attorneys for Jamaica Hospital Center

20

21 220 East 42nd Street

22

23 New York, New York 10017

24

25 BY: BRIAN OSTERMAN, ESQ.